



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(MBHB Case No. 99-418)

PATENT

#8  
7.D.  
01/22/03

In re Application of:

Mueller, et al.

Serial No.: 09/472,383

Filed: December 23, 1999

For: Home Network Using Existing  
DSL Equipment

)  
) Group Art Unit: 2158  
)  
)  
) Examiner: G. C. Neurauter  
)  
) Confirmation No. 8664  
)  
)

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Technology Center 2100

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION  
OVER A PRIOR PATENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Petitioner, **3COM CORPORATION**, is the owner of the entire interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,396,912, issued May 28, 2002. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that said patent and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.


In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154-156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record and is empowered to execute the terminal disclaimer and to act on behalf of the organization pursuant to 37 C.F.R. § 1.321.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Dated: January 15, 2003

  
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Neilesh R. Patel  
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Attorney of Record for:  
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☒ Terminal disclaimer fee is included. If required, please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.

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